

## REMARKS

Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the amendments and discussion that follows. Claims 1-14 are pending in the prior application.

### Rejections Under 35 U.S.C. §102(b)

Claims 1-4 and 13 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,876,351 to Rhode. In view of the content of the claims as presently amended, applicant respectfully traverses these rejections.

Independent claim 1 has been amended to more clearly claim the invention in the context of an automatic call distributor. Support for acquisition unit being placed on the chest of the patient may be found at paragraph [0011] and in FIG. 1 of the specification. Support for the physically separate nature of the acquisition element and processing element may also be found in paragraph [0011] and in FIG. 1 of the specification.

In contrast, Rhode uses a Nintendo Gameboy processor 10 with a ECG Boy cartridge 12. Neither the processor 10 or the cartridge 12 is in any way adapted to be placed on a chest of a patient.

In addition and as noted by the Examiner, the processor 10 and cartridge 12 are physically joined using a connector 17. For example, "fabrication of the system 10 as a two part unit allows the acquisition unit 12 to be placed directly on (or near) the chest of the patient, thereby greatly reducing the length of the leadwires 16. Reducing the length of the leadwires has been found to

significantly reduce the incidence of electromagnetic interference (EMI). Further, by separating the acquisition function from the processing and display function, the acquisition unit 12 may be made smaller and used more comfortably in closer proximity to the body of the patient" (specification, par. [0011]). Since the Rhode processor and cartridge are physically joined with a connector 17, they do not have the claimed connector cable and cannot be used in the same manner as that of the claimed invention.

Since Rhode does not have an acquisition element that could be placed on a chest of the patient, the Rhode system would necessarily have longer leads and a greater level of electromagnetic interference. In addition, since Rhode is of a unitary construction, there is no hand-held portable processing unit connected to the acquisition element through a connector cable and controlled through a graphical user interface.

Since Rhode does not have an acquisition adapted to be placed on the chest of a patient, nor a connector cable that connects the physically separate acquisition element and processing element, Rhode does not do the same or any similar thing as that of the claimed invention. Since Rhode does not do the same or any similar thing, the rejections are believed to be improper and should be withdrawn.

#### Rejections Under 35 U.S.C. §103(a)

Claim 5 has been rejected under 35 U.S.C. §103(a) as being obvious over Rhode in view of U.S. Pat. No. 6,292,692 to Skelton. In view of claims as presently amended, applicant respectfully traverses this rejection.

It is noted first, that Skelton et al. (as with Rhode) fails to provide any teaching or suggestion of a acquisition element adapted to be placed on a chest of a patient or of a processing element that is physically separate from the acquisition element and that is connected to the acquisition element using a connector cable. As such, the combination fails to teach each and every claim element. Since the combination fails to teach or suggest each and every claim element, the rejection is believed to be improper and should be withdrawn.

Claims 6-12 and 14 have been rejected under 35 U.S.C. §103(a) as being obvious over Rhode in view of U.S. Pat. No. 6,141,584 to Rockwell et al. In view of claims as presently amended, applicant respectfully traverses this rejection.

It is noted first, that Rockwell et al. (as with Rhode) fails to provide any teaching or suggestion of a acquisition element adapted to be placed on a chest of a patient or of a processing element that is physically separate from the acquisition element and that is connected to the acquisition element using a connector cable. As such, the combination fails to teach each and every claim element. Since the combination fails to teach or suggest each and every claim element, the rejection is believed to be improper and should be withdrawn.

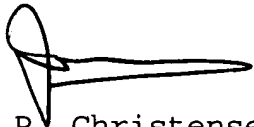
#### Closing Remarks

Allowance of claims 1-14, as now presented, is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to

telephone applicant's undersigned attorney.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,  
WELSH & KATZ, LTD.

By   
Jon P. Christensen  
Registration No. 34,137

August 4, 2004  
WELSH & KATZ, LTD.  
120 South Riverside Plaza  
22nd Floor  
Chicago, Illinois 60606  
(312) 655-1500